

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JUSTIN EDMISTEN,
A/K/A JUSTIN EDMISTON,

Petitioner,

v.

WILLIAM L. GITTERE, et al.,

Respondents.

Case No.: 3:22-cv-00118-RCJ-CLB

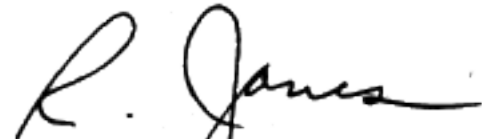
ORDER

On August 10, 2023, this Court entered a merits order and judgment in this matter. (ECF Nos. 92, 93.) Edmisten appealed, and the Court of Appeals for the Ninth Circuit denied the request for a certificate of appealability on March 1, 2024. (ECF No. 115.) On April 9, 2024, Edmisten filed an application for leave to file a second or successive federal habeas petition. (ECF No. 116.) The application was captioned for the Court of Appeals for the Ninth Circuit. (*Id.*)

Before a second or successive petition may be filed in a federal district court, a habeas petitioner must move in the appropriate Court of Appeals for an order authorizing the district court to consider the petition. 28 U.S.C. § 2244(b)(3). This Court does not have jurisdiction to entertain a second or successive petition absent such permission. *Brown v. Muniz*, 889 F.3d 661, 667 (9th Cir. 2018). As such, because this Court does not routinely transfer applications, Edmisten needs to file his application with the Court of Appeals for the Ninth Circuit.

IT IS THEREFORE ORDERED that the application for leave to file a second or successive petition (ECF No. 116) is denied.

Dated: April 12, 2024


ROBERT C. JONES
UNITED STATES DISTRICT JUDGE